

REMARKS

Claims 1-6 are pending in this application. Claims 1 and 6 are independent claims. Claims 2-5 are dependent claims.

Claims 1-6 have been rejected. Amendments to claims 1-4 and 6 are presented herein. Claims 7 and 8 are newly added in this response. No new matter is being presented, and approval and entry are respectfully requested.

Rejections Under 35 U.S.C. § 101

On pages 2-6 of the Office Action, the Examiner rejected claim 6 under 35 U.S.C. § 101 as not reciting a useful, concrete, and tangible result.

It is submitted that claim 6, as amended, meets the requirements of 35 U.S.C. § 101. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under § 101.

Rejections Under 35 U.S.C. § 102

On pages 6 and 7 of the Office Action, the Examiner rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Humble (U.S. Patent No. 4,949,256). The Examiner also rejected claim 6 under 35 U.S.C. § 102(b) as being anticipated by Fredregill et al. (U.S. Patent No. 5,923,016) on page 7 of the Office Action. Applicant respectfully traverses these rejections for the reasons presented below.

Claims 1-5

Claim 1 recites, as amended, a "point-service system that can be accessed by a customer using a terminal device via a network, the system comprising ... means for transmitting data of a point use ticket, comprising the number of reserved points that are issued and the recognition code for the number of reserved points, to the terminal device for use of the point use ticket by the customer."

In the present invention, a customer uses a terminal device to access a point-service system. A point use ticket is issued to the customer and the customer can use the issued point use ticket freely. In other words, a customer operates a terminal device to specify a number of reserved points. Based on the specified number of reserved points, a point use ticket may be issued for the customer.

The point-service system of claim 1 issues a recognition code in accordance with a use request from the customer, which includes the number of reserved points, and transmits data for a point use ticket to the terminal device of the customer, which includes the number of reserved points and the recognition code. The customer receives the data for the point use ticket using the terminal device and can display the point use ticket on a screen of the terminal device or print the point use ticket. In addition, the customer can transfer the point use ticket data to a cellular phone, for example, and take the cellular phone to the store in which the point use ticket is to be used.

Thus, in the present invention, a customer can use a terminal device to easily issue a point use ticket at any time, use the issued point use ticket as printed material or as data, and use the point use ticket without authentication anywhere at any time. Further, the present invention advantageously allows a customer to assign his/her point use ticket to anyone so that the point use ticket can circulate. Thus, the usefulness of points accumulated by a customer increases.

The Humble reference is directed to a network for entry and management of coupons of customers. Although Humble provides that the coupons of customers can be registered and managed, there is no mention in Humble of a customer using a terminal device to request the issuance of a point use ticket.

Therefore, it is submitted that claim 1 patentably distinguishes over the Humble reference. Claims 2-5 depend from claim 1 and are patentable over Humble for at least the reasons discussed above.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-5 under § 102.

Claim 6

Independent claim 6 recites, as amended, a “recording medium storing a program for a point-service system that can be accessed by a customer using a terminal device via a network ... comprising: entering, by the customer, a number of reserved points on a display of the terminal device; ... transmitting data of a point use ticket, comprising the number of reserved points that are issued and the recognition code for the number of reserved points, to the terminal device; and displaying the point use ticket on the display of the terminal device to allow the customer to print the point use ticket for use by the customer.”

As discussed above, in the present invention, a customer can use a terminal device to easily issue a point use ticket at any time, use the issued point use ticket as printed material or as data, and use the point use ticket without authentication anywhere at any time.

The Fredregill reference is directed to a system in which a consumer **immediately** uses points during transactions at retailer outlets. According to Fredregill, it is possible to immediately exchange points accumulated at various retailer outlets for an item during a transaction. However, in contrast to the present invention, there is no mention in Humble of a customer using a terminal device to request the issuance of a point use ticket.

Therefore, it is submitted that claim 6 patentably distinguishes over the Fredregill reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 6 under § 102.

Rejections Under 35 U.S.C. § 103(a)

On pages 7-11 of the Office Action, the Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over the Examiner’s personal experience. Applicant respectfully traverses these rejections for the reasons presented below.

The Examiner has based the § 103 rejection on the “examiner’s personal experience with customer access point service system or method as provided by major airline frequent flyer mile programs.” The personal knowledge of the Examiner, when used as a basis for a rejection, must be supported by an affidavit as to the specifics of the facts of that knowledge when called

for by applicant. See, e.g., 37 C.F.R. § 1.104(d)(2). The Examiner is respectfully requested to support the rejection with either an affidavit or a reference, or to withdraw the rejection.

Nonetheless, the present invention distinguishes over the Examiner's description of major airline frequent flyer mile programs.

In the present invention, a customer uses a terminal device to connect to the point-service system. The number of accumulated points is displayed on the customer's terminal device. See FIG. 9 of the subject application. The customer enters the number of points that the customer wants to use, which may be all or a portion of the total accumulated number of points, and also enters the number of tickets the customer wants issued. For example, in FIG. 9, the customer has requested three 100-point tickets and two 1,000-point tickets for a total of 2,300 points to be issued in point-use tickets. The customer may either print the tickets or transfer the ticket data to a cellular phone, for example, and take the cellular phone to the point-usable facility. See page 12, line 25 to page 14, line 28 and page 16, lines 3-9 of the specification.

The Examiner's description of major airline frequent flyer mile programs does not mention a customer using a terminal device to request the issuance of a point use ticket, as described above.

Therefore, it is submitted that claims 1-6 patentably distinguish over the Examiner's description of major airline frequent flyer mile programs. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-6 under § 103.

New Claims

Claims 7 and 8 are newly added with this response to alternatively define the present invention. Claims 7 and 8 are variations of claims 1 and 6, respectively, and are patentable for at least the reasons discussed above. Accordingly, Applicant respectfully requests allowance of the new claims.

Double Patenting Rejection

On pages 11 and 12 of the Office Action, the Examiner rejected claims 1-6 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of co-pending Application No. 09/693,919. Applicant herein files a terminal disclaimer to overcome the double patenting rejection.

Request for Return of Form PTO-1449

On December 27, 2000, Applicant filed an Information Disclosure Statement with a Form PTO-1449. A copy of this form has not yet been returned to the applicant to confirm that the references cited therein have been considered. Accordingly, it is requested that the Examiner confirm consideration of these references by initialing and returning this 1449 form.

Conclusion

It is submitted that none of the references, either taken alone or in combination, teach the present claimed invention. Thus, claims 1-8 are deemed to be in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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Finally, if there are any additional fees associated with filing of this response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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